

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Charles Plotnick and Diane Plotnick

(b) County of Residence of First Listed Plaintiff Montgomery County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Marc S. Rosenberg, Mammuth & Rosenberg  
401 City Avenue, Suite 122, Bala Cynwyd, PA 19004  
(610) 667-1500; rosenberg@plaintiff.com

**DEFENDANTS**

Costco Wholesale Corporation

County of Residence of First Listed Defendant King County, WA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Warren F. Sperling, Bennett, Bricklin & Saltzburg LLC  
1601 Market Street, 16th Floor, Philadelphia, PA 19103  
(215) 665-3334; sperling@bbs-law.com

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>LABOR</b>	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>IMMIGRATION</b>	<b>FEDERAL TAX SUITS</b>
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**28 U.S.C. §§1332, 1441 and 1446**

Brief description of cause:  
**Personal injury action**

**VI. CAUSE OF ACTION**

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.      **DEMAND \$**      CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions): **JUDGE** **DOCKET NUMBER**

DATE SIGNATURE OF ATTORNEY OF RECORD  
01/03/2019 *Warren F. Sperling*

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFF JUDGE MAG. JUDGE

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: 381 Linder Drive, Elkins Park, PA 19027  
 Address of Defendant: 999 Lake Drive, Issaquah, WA 98027  
 Place of Accident, Incident or Transaction: 740 Upper State Road, North Wales, PA

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when Yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

I certify that, to my knowledge, the within case  is /  is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 01/03/2019

*Wm. R. ...*

36676

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)****A. Federal Question Cases:**

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases

(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): Slip and Fall
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases

(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**  
*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, \_\_\_\_\_ counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

CHARLES PLOTNICK and	:	CIVIL ACTION
DIANE PLOTNICK	:	
v.	:	
COSTCO WHOLESALE CORPORATION		:
		NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

01/03/2019	<i>David Sperling</i>	Defendant
Date	Attorney-at-law	Attorney for
(215) 665-3334	(215) 561-6661	sperling@bbs-law.com
Telephone	FAX Number	E-Mail Address

**IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

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CHARLES PLOTNICK and  
DIANE PLOTNICK

: CIVIL ACTION NO.

vs.

:

COSTCO WHOLESALE CORPORATION

:

**NOTICE OF REMOVAL**

AND NOW, comes defendant, Costco Wholesale Corporation, for the purpose only of removing the cause to the United States District Court for the Eastern District of Pennsylvania and respectfully avers as follows:

1. This is a civil action filed and now pending in the Court of Common Pleas of Montgomery County, Pennsylvania, No. 2018-28122.
2. On December 11, 2018, plaintiffs filed their Praecept for Summons which was served December 21, 2018. (See attached true and correct copy of the Praecept for Summons marked as Exhibit "A").
3. The averments made herein are true and correct with respect to the date and time upon which the Praecept for Summons was filed and served and the date upon which this notice is being filed.
4. This suit is of a civil nature and involves a controversy between citizens of different states. Plaintiffs are citizens of the Commonwealth of Pennsylvania. Defendant, Costco Wholesale Corporation is a corporation organized under the laws of the State of Washington with its principal place of business at 999 Lake Drive, Issaquah, WA 98027.
5. Defendant, Costco Wholesale Corporation, has simultaneously with the filing of this notice, given written notice to the plaintiffs.

6. Defendant, Costco Wholesale Corporation, is also filing a copy of the instant notice of removal and all attachments thereto with the Prothonotary of the Court of Common Pleas of Philadelphia County.

7. The summons was filed in order to assert claims against the defendant, Costco Wholesale Corporation, for personal injuries allegedly sustained in an incident that occurred on November 11, 2017, at the Costco Warehouse located at 740 Upper State Road, North Wales, PA.

8. Defendant, Costco Wholesale Corporation, seeks to remove this matter to the United States District Court for the Eastern District of Pennsylvania. Defendant, Costco Wholesale Corporation, asserts that the amount in controversy in this matter exceeds \$75,000. As the moving party, defendant, Costco Wholesale Corporation, bears the burden of proving that jurisdiction is proper in federal court. Russ vs. State Farm Mutual Automobile Insurance Company, 961 F.Supp. 808, 810 (E.D. Pa. 1997).

9. In determining whether the jurisdiction amount has been satisfied, the Court must first look at the complaint. Angus vs. Shiley, Inc., 989 F.2d 142, 145 (3rd Circ. 1993).

10. The underlying lawsuit demands an amount “in excess of the jurisdictional amount requiring submissions to Arbitration” (which are currently \$50,000). Plaintiff, Charles Plotnick’s injuries include non-displaced right wrist fracture, bruising and contusions to face, which required stitches near right eye, left leg, shin and knee.

11. Defense counsel spoke with plaintiffs’ counsel who advised that in light of the injuries alleged, plaintiffs could not stipulate to limit their damages to \$75,000.

**WHEREFORE**, defendant, Costco Wholesale Corporation, hereby removes this suit to this Honorable Court pursuant to the laws of the United States in such cases made and provided.

**BENNETT, BRICKLIN & SALTZBURG LLC**



BY:

WARREN F. SPERLING, ESQUIRE  
Attorney I.D. #36676  
1601 Market Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 561-4300  
Email: [sperling@bbs-law.com](mailto:sperling@bbs-law.com)  
Attorney for Defendant,  
Costco Wholesale Corporation

Date: January 3, 2019

IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

CHARLES PLOTNICK and  
DIANE PLOTNICK

vs.

COSTCO WHOLESALE CORPORATION

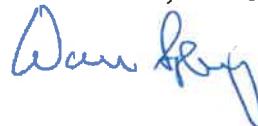
: CIVIL ACTION NO.

**NOTICE**

To: Marc S. Rosenberg  
Mammuth & Rosenberg  
401 City Avenue, Suite 122  
Bala Cynwyd, PA 19004

Please take notice that defendant, Costco Wholesale Corporation, has filed a Notice of Removal to the United States District Court for the Eastern District of Pennsylvania removing to that Court a civil action previously pending in the Court of Common Pleas of Montgomery County, entitled, Charles Plotnick and Diane Plotnick v. Costco Wholesale Corporation, No. 2018-28122.

BENNETT, BRICKLIN & SALTZBURG LLC



BY:

WARREN F. SPERLING, ESQUIRE  
Attorney I.D. #36676  
1601 Market Street, 16th Floor  
Philadelphia, PA 19103  
(215) 561-4300  
Email: [sperling@bbs-law.com](mailto:sperling@bbs-law.com)  
Attorney for Defendant,  
Costco Wholesale Corporation

Date: January 3, 2019

IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

CHARLES PLOTNICK and :  
DIANE PLOTNICK :  
vs. : CIVIL ACTION NO.  
COSTCO WHOLESALE CORPORATION :

**PROOF OF FILING**

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF PHILADELPHIA :

Warren F. Sperling, being duly sworn according to law, deposes and says that he is a member in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, Costco Wholesale Corporation.

That he did direct the filing with the Prothonotary of the Court of Common Pleas of Montgomery County, a copy of the Notice of Removal, attached hereto, said filing to be made on January 3, 2019.

BENNETT, BRICKLIN & SALTZBURG LLC



BY:

WARREN F. SPERLING, ESQUIRE  
Attorney I.D. #36676  
1601 Market Street, 16th Floor  
Philadelphia, PA 19103  
(215) 561-4300  
Email: [sperling@bbs-law.com](mailto:sperling@bbs-law.com)  
Attorney for Defendant,  
Costco Wholesale Corporation

Sworn to and subscribed  
before me this 3rd day  
of January, 2019.



NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

DENISE M. PATSCH, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires October 24, 2021

IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

CHARLES PLOTNICK and  
DIANE PLOTNICK

vs.

COSTCO WHOLESALE CORPORATION

CIVIL ACTION NO.

**PROOF OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

Warren F. Sperling, being duly sworn according to law, deposes and says that he is a member in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, Costco Wholesale Corporation and that he did serve this 3<sup>rd</sup> day of January, 2019, the aforementioned notice to plaintiffs upon the individual named below by electronic notification by the Court or depositing a copy of same in the United States first class mail, postage prepaid, enclosed in envelope plainly addressed to:

Marc S. Rosenberg  
Mammuth & Rosenberg  
401 City Avenue, Suite 122  
Bala Cynwyd, PA 19004

BENNETT, BRICKLIN & SALTZBURG LLC

*Warren F. Sperling*

BY:

WARREN F. SPERLING  
Attorney I.D. #36676  
1601 Market Street, 16th Floor  
Philadelphia, PA 19103  
(215) 561-4300  
Email: [sperling@bbs-law.com](mailto:sperling@bbs-law.com)  
Attorney for Defendant,  
Costco Wholesale Corporation

Sworn to and subscribed  
before me this 3<sup>rd</sup> day  
of January, 2019.

*Denise M. Patzsch*  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL  
DENISE M. PATZSCH, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires October 24, 2021

# **Exhibit “A”**

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CHARLES PLOTNICK

vs.

COSTCO WHOLESALE CORPORATION

NO. 2018-28122

**PRAECIPE FOR SUMMONS**

To the Prothonotary:

Issue Summons in Civil Action in the above case.

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY

Signature

MARC S ROSENBERG, ESQ.

Filing Party

44457

ID Number

Date 11/30/2018

MAMMUTH & ROSENBERG

Firm Name

401 CITY LINE AVENUE, SUITE 122

Address

BALA CYNWYD, PA 19004

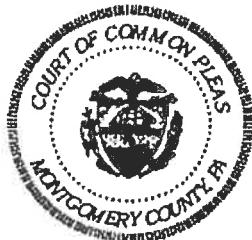
(610) 667-1500

Phone

\* \* \* \* \*

TO: Defendant(s)

You are notified that the Plaintiff(s) has / have commenced an action against you.



Date: 11/30/2018

By: Seth Rovner

Clerk / Deputy

  
Prothonotary, Montgomery County

Addresses must be included for all parties

## IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CHARLES PLOTNICK

vs.

COSTCO WHOLESALE CORPORATION

NO. 2018-28122  
911 11 30 2018**CIVIL COVER SHEET**

State Rule 205.5 requires this form be attached to any document commencing an action in the Montgomery County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: MARC S ROSENBERG, Esq., ID: 44457

Self-Represented (Pro Se) Litigant Class Action Suit  Yes  NoMDJ Appeal  Yes  NoMoney Damages Requested Commencement of Action:Amount in Controversy:

Writ of Summons

More than \$50,000

**Case Type and Code**

Tort: \_\_\_\_\_

Premises Liability \_\_\_\_\_

Other: \_\_\_\_\_

## Supreme Court of Pennsylvania

## Court of Common Pleas

## Civil Cover Sheet

MONTGOMERY

County

For Prothonotary Use Only:

Docket No:

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

## Commencement of Action:

<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Writ of Summons	<input type="checkbox"/> Petition
<input type="checkbox"/> Transfer from Another Jurisdiction		<input type="checkbox"/> Declaration of Taking

Lead Plaintiff's Name:  
Charles Plotnick

Lead Defendant's Name:  
Costco Wholesale Corporation

Are money damages requested?  Yes  No

Dollar Amount Requested:  within arbitration limits  
(check one)  outside arbitration limits

Is this a *Class Action Suit*?  Yes  No

Is this an *MDJ Appeal*?  Yes  No

Name of Plaintiff/Appellant's Attorney: Marc S. Rosenberg, Esquire

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

**Nature of the Case:** Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

**TORT (do not include Mass Tort)**

- Intentional
- Malicious Prosecution
- Motor Vehicle
- Nuisance
- Premises Liability
- Product Liability (*does not include mass tort*)
- Slander/Libel/ Defamation
- Other:

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**CONTRACT (do not include Judgments)**

- Buyer Plaintiff
- Debt Collection: Credit Card
- Debt Collection: Other

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- Employment Dispute:  
Discrimination
- Employment Dispute: Other

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- Other:

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**CIVIL APPEALS**

- Administrative Agencies
  - Board of Assessment
  - Board of Elections
  - Dept. of Transportation
  - Statutory Appeal: Other

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- Zoning Board
- Other:

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**MASS TORT**

- Asbestos
- Tobacco
- Toxic Tort - DES
- Toxic Tort - Implant
- Toxic Waste
- Other:

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**REAL PROPERTY**

- Ejectment
- Eminent Domain/Condemnation
- Ground Rent
- Landlord/Tenant Dispute
- Mortgage Foreclosure: Residential
- Mortgage Foreclosure: Commercial
- Partition
- Quiet Title
- Other:

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**MISCELLANEOUS**

- Common Law/Statutory Arbitration
- Declaratory Judgment
- Mandamus
- Non-Domestic Relations
- Restraining Order
- Quo Warranto
- Replevin
- Other:

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**PROFESSIONAL LIABILITY**

- Dental
- Legal
- Medical
- Other Professional:

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Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

MAMMUTH & ROSENBERG  
BY: MARC S. ROSENBERG, ESQUIRE  
ATTORNEY I.D. NO.: 44457  
401 CITY AVENUE, SUITE 122  
BALA CYNWYD, PA 19004-1122  
TELEPHONE: 610-667-1500  
FAX: 610-667-3660  
EMAIL: Rosenberg@plaintiff.com  
ATTORNEY FOR PLAINTIFF

THIS IS A MAJOR CASE.  
JURY TRIAL IS DEMANDED.

CHARLES PLOTNICK  
381 Linden Drive  
Elkins Park, PA 19027

and

DIANE PLOTNICK  
381 Linden Drive  
Elkins Park, PA 19027

v.

Plaintiffs, h/w :

COSTCO WHOLESALE CORPORATION  
740 Upper State Road  
North Wales, PA 19454

Defendant

NO.  
MONTGOMERY COUNTY  
COURT OF COMMON PLEAS

11-30-18

**PRAECIPE FOR SUMMONS**

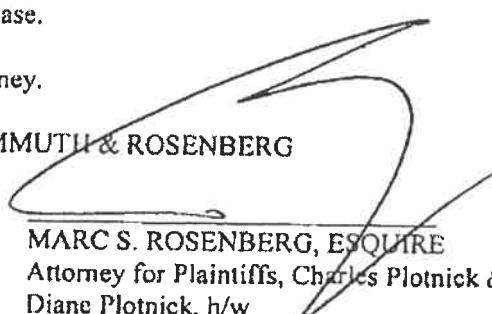
TO THE PROTHONOTARY:

Issue Summons in Civil Action in the above case.

Writ of Summons shall be forwarded to Attorney.

MAMMUTH & ROSENBERG

By:

  
MARC S. ROSENBERG, ESQUIRE  
Attorney for Plaintiffs, Charles Plotnick &  
Diane Plotnick, h/w

Date: 11-30-18

MAMMUTH & ROSENBERG  
BY: MARC S. ROSENBERG, ESQUIRE  
ATTORNEY I.D. NO.: 44457  
401 CITY AVENUE, SUITE 122  
BALA CYNWYD, PA 19004-1122  
TELEPHONE: 610-667-1500  
FAX: 610-667-3660  
EMAIL: Rosenberg@plaintiff.com  
ATTORNEY FOR PLAINTIFF

**THIS IS A MAJOR CASE.**  
**JURY TRIAL IS DEMANDED.**

CHARLES PLOTNICK  
381 Linden Drive  
Elkins Park, PA 19027

and

DIANE PLOTNICK  
381 Linden Drive  
Elkins Park, PA 19027

MONTGOMERY COUNTY  
COURT OF COMMON PLEAS

NO.

Plaintiffs, h/w :

v.

COSTCO WHOLESALE CORPORATION  
740 Upper State Road  
North Wales, PA 19454

Defendant

**SUMMONS IN AID OF PREPARING COMPLAINT**

TO: COSTCO WHOLESALE CORPORATION  
740 Upper State Roads  
North Wales, PA 19454

You are notified that the Plaintiff has commenced an action against you.

Mark Levy  
Prothonotary, Montgomery County

SEAL

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Clerk/Deputy

911-111-1117